

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KATHY HAINEY, et. al.

:

CASE NO. 1:02CV00733

Plaintiffs

:

(Hon. Sandra S. Beckwith)

v.

:

CARL L. PARROTT, et. al.

:

**STATUS REPORT OF THE SPECIAL MASTER
SUBMITTED FOR FAIRNESS HEARING**

On or about June 1, 2007, 835 packets were mailed to the contact individuals whose names were supplied by the Hamilton County Coroner's Office representing 796 decedents out of the 957 decedents covered by this class action. Out of the remaining number, 8 were indigent burials and 10 bodies were donated to various institutions. This office was instructed by counsel for the parties that these decedent families were not to be contacted as they would not be eligible to participate. There were over 100 decedents for which there was insufficient contact information.

Each packet included a cover letter specifically addressed, notice, participation and exclusion forms and a self-addressed return envelope. Over 50% were returned to this office as being undeliverable due to addresses which were no longer current or accurate. In consultation with the Court and counsel for the parties, it was decided to do publication with The Cincinnati Enquirer, The Cincinnati Post, The Kentucky Enquirer, The Kentucky Post, and The Cincinnati Herald. A full page ad listing 939 names ran in each of the

papers 6 times over a 3 week period, except for The Cincinnati Herald where the ad ran once a week for 3 weeks. As a result of the ads, additional contact people have been identified who had not been located due to either poor addresses or who had not been previously identified. Additionally, information and claim forms were posted on two internet web sites--that of Hamilton County and of this Federal Court. Prior to the placement of the ads, attempts were made by this office to locate possible claimants by taking a random group of names and conducting a telephone book search and/or a search of public records through the Hamilton County Clerk of Courts and the Hamilton County Auditor's web sites. These attempts were time consuming and yielded very little results. The ads, however, were effective and increased the number of contacts leading to more possible eligible claimants. Currently, this office has identified approximately 423 decedents for which there is at least one eligible claimant.

The Special Master has submitted a list of approximately 40 decedents whose contact person was out of the advertising areas to class counsel. He has indicated that he will make an attempt through his office to try and locate these individuals.

To date, expenditures for the administration of the fund have totaled \$112,971.97 from October 25, 2006 through July 31, 2007. The expenditures, approved by the Court, are part of the official court record. These expenditures have been covered by the interest earned on the funds. This amount does not include the Special Master's time, which has not yet been billed. Counsel for the parties have indicated that four, not five, class representatives are to be considered for extraordinary awards.

While the Special Master is awaiting the Court's decision as to formalizing the amount of the settlement (or rejecting it) to submit her formal distribution plan, the Special Master, after consultation with counsel for the parties, currently anticipates that her

distribution plan will recommend that the available funds for distribution be divided equally by the number of decedents who have at least one eligible claimant timely identified.

In anticipation of the Court approving the settlement, the Special Master has met with the presiding judge of the Hamilton County Probate Court and the magistrate who will be assigned to oversee any matters involving payments made to estates from the Hainey Class Action Settlement Fund. As a result of this meeting, the process has been established for those payments which will require Probate Court approval.

Respectfully submitted,


MARLENE PENNY MANES [0022575]

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SPECIAL MASTER

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Status Report of the Special Master Submitted for Fairness Hearing was served on John H. Metz, Attorney for Plaintiffs, 4400 Carew Tower, 441 Vine Street, Cincinnati, Ohio 45202 and David T. Stevenson, Assistant Prosecuting Attorney, Hamilton County Prosecutor's Office, William Howard Taft Law Center, 230 E. Ninth Street, Suite 4000, Cincinnati, Ohio 45202, via hand delivery, this 10th day of September, 2007.


MARLENE PENNY MANES